

REMARKS

Claim 1 has been amended. Proper support for the amendment to claim 1 is found in the specification, at least, at paragraphs [0017], [0019], and [0029]. Claims 1 and 2 are pending and under consideration. Claim 1 is the independent claim. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §101:

Claims 1 and 2 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Regarding the rejection of independent claim 1, it is noted that claim 1 has been amended to more clearly recite an apparatus comprising a data scrambler that scrambles data recorded on an optical disc, and that the data scrambler has a random data generator which generates random data in a cycle of 32 KB in order to scramble the data recorded on the optical disc, the data having a structure of 2 KB for a sector or a data frame and 64 KB for an error correction code (ECC) block.

In other words, claim 1 recites an apparatus having data scrambler which scrambles data recorded on an optical disc and generates random data for use by the apparatus. Therefore, claim 1 clearly recites producing a concrete, tangible and useful result, i.e., the generated random data for use by the apparatus is concrete, tangible and useful, and thus claim 1 fully complies with the requirements set forth in MPEP 2106.

Accordingly, Applicants respectfully assert that claim 1 is directed to statutory subject matter within the meaning of 35 U.S.C. §101 and respectfully request that the rejection of claim 1 under 35 U.S.C. §101 be withdrawn.

Additionally, claim 2 is deemed patentable due at least to its dependency from corresponding claim 1.

DOUBLE PATENTING:

Claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of Patent No.

7,277,545.

Applicants submit herewith a Terminal Disclaimer with respect to U.S. Patent No. 7,277,545. In view of the above, it is respectfully submitted that the rejection of claims 1 and 2 is overcome.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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